- a transmission unit for broadcasting content information to the users;
- a trigger unit for triggering formation during the broadcasting of at least one group of end users upon an event relating to the broadcasting;
- a unit for controlling the formation of the group coupled to the trigger unit; and

each respective client being enabled to switch between making accessible to the respective end user the broadcasted content information and enabling entering a conference between the end users of the group via the client.

REMARKS

Reconsideration is respectfully requested of the rejection of Claims 1-10 under 35 USC 103(a) as being unpatentable over Mielekamp (US 6,323,857) in view of Brown (US 5,805,154).

The invention

The invention relates to a method of controlling communication to multiple end-users at geographically different locations. In a broadcasting mode, the method comprises broadcasting content information for receipt by the end-users. In a conferencing mode, the method comprises enabling interconnecting at least one subset of the end users through a network and enabling interaction between the end-users of the subset via the network. The method further enables switching between the broadcasting mode and the conference mode.

Mielekamp

Mielekamp discloses a system enabling users to interact by reference to a virtual space. The system includes a server 10, which is connected to a number of terminals 12, 14, 16 and a broadcast device 18. The terminals comprise respective picture display apparatus (e.g. television apparatus with teletext facility) and a control/sound pick-up device (e.g. telephone set). (col.3, l.66-col.4, l.11)

The system enables the users to interact with one another during operation as if they were present in a virtual space. In order to enable interactive user control, the server 10 generates signals which are converted into observable, simulated pictures of the virtual space in the terminals 12, 14, 16. (col.4, l.22-29)

A user can apply commands to the server 10 via a terminal 12, 14, 16. The processing unit 30 of the server 10 receives the commands by way of the command receiving unit 340. (col.4, l.39-42)
The processing unit 30 generates a broadcast signal in addition to the picture information for the various terminals. The broadcast signal generator 30 composes an own picture of the virtual space, containing reproductions of the building 24, 25 and the sprites 21, 22, 23 in conformity with the locations of the avatars. Via a broadcast channel, the picture of the virtual space is transmitted with a broadcast signal. This broadcast signal may be, for example the video signal whereby the picture information for the various terminals is transmitted in the form of teletext pages. This video signal can also be dispatched via a cable network.(col.5, l.15-27)
The broadcast signal is transmitted via a broadcast channel for reception by further terminals outside said set of terminals (col.1, l.63-65 and Claims).
A system of Mielkamp enables non-users to perceive the interaction within the virtual space as it is experienced by users, without it being necessary for the non-users to have a terminal connection available and without the non-users having to control the location of avatars. (col.1, l.47-51)

Brown

Brown relates to an interactive multimedia communication network providing an application containing both broadcast and on-demand features. By broadcast, Brown means the simultaneous transmission of an identical information stream to a plurality of users. By interactive, Brown means two-way communication between an application source and a user within a communication session. A communication session is a dialogue between two devices. (col.1, l.24-26 and col.1, l.33-37)
Brown discloses a network that is the interface between an application source and a plurality of users. The application source comprises a broadcast portion, which is designed to be transmitted simultaneously to a plurality of users and an on-demand portion, which is designed to interact with a particular user within an established communication session. The broadcast portion comprises a switching section enabling the user to switch to the on-demand portion of the application if the option is selected. The switching section is software code enabling the user to establish an interactive session on another channel to receive the on-demand portion of the application. (col.3, l.60-col.4, l.4).

Mielekamp discloses a system that enables users to interact by reference to a virtual space from their respective terminals. Each user of a terminal can obtain an independent picture of the virtual space in conformity with the location of the avatar associated with that terminal. Mielekamp discloses transmitting the picture information in various teletext pages of a video signal.

In addition, Mielekamp discloses a processing unit generating a broadcast signal transmitted via a broadcast channel. Mielekamp discloses that this broadcast signal may be the video signal used to transmit the picture information for the various terminals. Mielekamp discloses transmitting the broadcast signal for reception by further terminals outside the set of terminals. Thus, Mielekamp discloses a system that enables users of terminals to interact and broadcasting a signal for reception by terminals other than the ones that can interact. Thus, by explicitly stating that the broadcast signal is transmitted for reception by further terminals outside the set of terminals, it is clear that Mielekamp differentiates:

the users who can interact by reference to the virtual space, and,

the non-users receiving the broadcast signal and experiencing the interaction as it is experienced by the users of the terminals.

Mielekamp discloses that it is not necessary for the non-users to have a terminal connection. Mielekamp clearly neither discloses nor suggests a non-user being able to interact with the users who can interact by reference to the virtual space. Thus, Mielekamp neither discloses nor suggests enabling switching from a broadcasting mode to a conference mode.

Similarly, Mielekamp neither suggests nor discloses a user of a terminal receiving the broadcast signal to become a passive or non-user observing the further simulated observation (Mielekamp's claim language). In addition, an object of Mielekamp is to "enable non-users to perceive the interaction within the virtual space as it is experienced by users". Thus, non-users are clearly not users of terminals who are already experiencing the virtual space. There is therefore clearly no suggestion for a user to become a non-user.

Thus, Mielekamp does not give any teaching any incentive, or suggestion to enable switching from the broadcast mode to the conference mode or switching from the conference mode to the broadcast mode.

There is therefore no teaching, incentive or suggestion in Mielekamp to modify its teaching to enable switching between the broadcast mode and the interactive mode.

Brown discloses enabling switching between a broadcast mode and an interactive mode where a two-way communication is established between the user and the server. In the invention, in a conferencing mode, a subset of the end users is interconnected, which means that at least two users are interconnected and these two end users can interact. Brown neither suggests nor discloses in the interactive mode, enabling a subset of the end users to interconnect and interact. Thus, the interactive mode of Brown is not a conferencing mode of the invention. As a result, Brown neither suggests nor teaches enabling switching from a broadcast to a mode where end users are interconnected and where end users can interact.

Because there is no suggestion or teaching in both documents to combine the teachings, it would not have been obvious to one skilled in the art to combine both documents.

Even if the teachings of both documents were to be combined, the result would still not teach a method or system of the invention. Indeed, Mielekamp teaches the broadcast of a signal from a server to users and an interactive mode where users can interact with one another. Brown enables switching from a broadcast mode (from a server to users) to an interactive mode being a two-way communication between the user and the server. Mielekamp's interactive mode is different from Brown's interactive mode. Because Brown neither suggests nor mentions its switching section 23 enabling switching from a broadcast mode to an interactive mode where users can interact with one another, the switching as disclosed in Brown would not enable switching from Mielekamp's broadcasting of the signal to Milekamp's interactivity among the user's. Thus, the result would still not suggest or teach the claim limitation of enabling switching between a broadcasting mode and a conferencing mode as these modes are described in the claims.

Thus, neither Mielekamp nor Brown discloses or suggests, alone or in combination, the claim limitation of switching between a broadcasting mode and a conference mode as claimed in Claim

1. The Examiner has thus failed to show a prima facie case of obviousness and the rejection of independent Claim 1 is therefore incorrect.

As to Claim 7, neither Mielekamp nor Brown teaches or suggests a trigger unit for triggering formation during the broadcasting of at least one group of end user upon an event relating to the broadcasting.
Thus, neither Mielekamp nor Brown, alone or in combination, discloses or suggests Claim 7.

As to Claim 9, for the same reason mentioned above, Mielekamp and Brown neither suggest nor disclose, alone or in combination, an apparatus being operative to selectively control switching the apparatus between making accessible to an end user the broadcast or making accessible to the end user a real-time communication channel with another client. Thus, the rejection of Claim 9 is incorrect and should be withdrawn.

It is respectfully submitted that independent Claim 1, 7 and 9 are patentable over Mielekamp in view of Brown. It is also respectfully submitted that dependent Claims 2-6, 8 and 10 are patentable over Mielekamp in view of Brown at least based on their dependencies.

Applicants respectfully submit that they have answered all issues raised by the Examiner and that the application is accordingly in condition for allowance. Such allowance is therefore respectfully requested.

Please charge any fees other than the issue fee to deposit account 14-1270.

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Respectfully submitted,

Dated: November 8, 2002

By _____

Gwenaelle Le Pennec
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APPENDIX A

Version with Markings
to Show Changes Made to the Claims

The following is a marked up version of amended Claim 7:

7.(TWICE AMENDED) A system for controlling communication between multiple end users at geographically different locations, the system comprising:

- a server;
- a respective one of multiple clients for a respective one of the end users, the clients being coupled to the server;

wherein:

- the server comprises:
  - a transmission unit for broadcasting content information to the users;
  - a trigger unit for triggering formation during the broadcasting of at least one group of end users upon an event relating to the broadcasting;
  - a unit for controlling the formation of the group coupled to the trigger unit; and

each respective client being enabled to switch between making accessible to the respective end user the broadcasted content information and enabling entering a conference between [eth] <u>the</u> end users of the group via the client.

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